

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Howard GOODMAN et al.)	Group Art Unit: 1796
)	
Application No.: 10/561,837)	Examiner: Kriellion Antionette SANDERS
)	
Filed: September 7, 2006)	
)	
For: PARTICULATE CLAY MATERIALS)	Confirmation No.: 3011
AND POLYMER COMPOSITIONS)	
INCORPORATING THE SAME)	

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

VIA EFS-WEB

Sir:

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached IDS Form PTO/SB/08. This Supplemental Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Office Action, a Quayle Action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee payment of \$180.00 as specified by Section 1.17(p).

Pursuant to 37 C.F.R. § 1.98(a)(2)(iii), copies of the listed U.S. Patents and U.S. Patent Publications are not enclosed. Applicant respectfully requests that the Office

consider the listed documents and indicate that they were considered by making appropriate notations on the attached IDS Form PTO/SB/08.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an “adverse decision” by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of “substantially similar claim[s]” to the Office. *See also* MPEP § 2001.06(b). Accordingly, although Applicant is not representing that the Office Actions issued in co-pending Application No. 11/816,827 are material to the present application and is not admitting for this purpose that any claims are substantially similar, out of an abundance of caution, Applicant has listed the substantive Office Action issued in co-pending Application No. 11/816,827 on the attached Form. A copy of the that Office Action is not enclosed, as it is available on the Image File Wrapper System of the United States Patent and Trademark Office’s Patent Application Information Retrieval (PAIR) system.

This submission does not represent that a search has been made, or that no better art exists, and does not constitute an admission that each or all of the listed documents are material or constitute “prior art.” If the Office applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute “prior art” under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed

documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 17, 2009

By: /Jeffrey A. Freeman/
Jeffrey A. Freeman
Reg. No. 58,275